

### **REMARKS**

Prior to the present amendment, claims 1-27 were canceled. By the present amendment, applicants have canceled claims 29, amended claims 28 and 30-33, and added new claims 34-37. Accordingly, claims 28, 30-37 are under examination. No new matter has been introduced by these amendments.

#### **Rejections under 35 U.S.C. § 112, second paragraph**

On page 2 of the office action, the examiner rejects claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite.

In response, applicants have amended claim 28 by deleting the allegedly indefinite terms. Accordingly, the rejection is moot and applicants respectfully request that the rejection be withdrawn.

#### **Rejection under 35 U.S.C. § 112, first paragraph**

On page 3 of the office action, the examiner rejects claims 28-33 under 35 U.S.C. § 112, first paragraph for lacking enablement.

Applicants respectfully disagree. Merely in order to expedite prosecution, however, applicants have amended claim 28 to recite "A method for increasing organ formation, organ size, or rate of cell division of a plant or plant cell." The method comprises "transforming the plant or plant cell with an RKS4 gene comprising the nucleotide sequence as set forth in SEQ ID NO: 46 operably linked to a promoter."

In addition, applicants have added new claims 34-37, which are directed to “A method for decreasing organ formation, organ size, or rate of cell division of a plant or plant cell.” The method comprises “transforming the plant or plant cell with an RKS4 gene comprising the nucleotide sequence as set forth in SEQ ID NO: 46 in antisense orientation operably linked to a promoter.”

Applicant respectfully disagrees. The specification as originally filed provides details sufficient to provide guidance to one of ordinary skill in the art to make and use the claimed invention. See, for example, page 16, lines 24-26; page 17, lines 12-14; pages 64-65; page 106, lines 6-24; pages 131-133; figures 6-13 and the brief description of figures 6-13 on page 95, line 18 through page 98, line 9 of the specification as filed.

Briefly, the specification discloses a RKS4 gene nucleic acid sequence and states, for example, that increasing the level of “RKS genes results in an increase in organ size, growth rate and yield.” In addition, decreasing the levels of endogenous RKS gene product decreases the size of plant organs, the growth rate, or the total plant size. The specification provides details and results concerning increasing and decreasing development of a plant or plant cell and details concerning increasing or decreasing expression of a RKS4 gene. Moreover, the specification discloses several suitable promoters on page 132. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection.

**Prior art**

Applicants respectfully acknowledge the examiner’s statement that claims 28-33 were deemed free of the prior art.

**Conclusion**

In view of the foregoing amendments and remarks, entry of the amendments and favorable consideration of the claims are respectfully requested. If the examiner has any questions or concerns regarding this amendment, he is invited to contact the undersigned at the telephone number listed below.

If any fees are due or any over overpayment made in connection with this submission, please charge or credit our Deposit Account No.: 08-2461.

Respectfully submitted,

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